

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

| | | |
|-------------------------------------------|---|---------------------|
| STATE OF TEXAS, <i>et al.</i> , | § | |
| | § | |
| Plaintiffs, | § | |
| | § | |
| v. | § | Case No. 1:18-CV-68 |
| | § | |
| UNITED STATES OF AMERICA, <i>et al.</i> , | § | |
| | § | |
| Defendants, | § | |
| | § | |
| and | § | |
| | § | |
| KARLA PEREZ, <i>et al.</i> , | § | |
| | § | |
| Defendant- Intervenors. | § | |
| | § | |

NOTICE OF ERRATA

On June 14, 2019, Defendant-Intervenors filed their Brief in Opposition to Plaintiffs' Motion for Summary Judgment and Appendix in support. *See* Dkt. 399-400. Defendant-Intervenors' Appendix inadvertently omitted Exhibit 62-J from the filing. Exhibit 62-J is now filed as an attachment to this notice. In addition, below are corrected citations to Plaintiffs' Brief in Opposition:

| Dkt. Page | Original Citation | Corrected Citation |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 | “Currently, there are 669,080 DACA recipients. <i>See Ex. 62H.</i> ” | “Currently, there are 669,080 DACA recipients. <i>See Ex. 62-G.</i> ” |
| 13 | “As with the many forms of discretionary relief that preceded it, deferred action under DACA is an exercise in prosecutorial discretion, granted in an individualized, temporary, and contingent manner. <i>See Ex. 62I at 8, 18; Ex. 62J; Ex. 62C.</i> ” | “As with the many forms of discretionary relief that preceded it, deferred action under DACA is an exercise in prosecutorial discretion, granted in an individualized, temporary, and contingent manner. <i>See Ex. 62-H at 201, 210; Ex. 62-I; Ex. 62-B.</i> ” |

| | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 | “Advance parole is a document issued by USCIS ‘for urgent humanitarian reasons or significant public benefit to a foreign national inside the United States who is preparing to travel abroad and is planning to return.’ Exs. 2, 18 , 19, 62I .” | “Advance parole is a document issued by USCIS ‘for urgent humanitarian reasons or significant public benefit to a foreign national inside the United States who is preparing to travel abroad and is planning to return.’ Exs. 2, 19, 62-J .” |
| 14 | “The advance parole document is not ‘a grant of parole,’ and CBP officers make ‘a separate discretionary decision regarding the parole request upon the foreign national’s arrival at the point of entry.’ Ex. 2, 19, 62K .” | “The advance parole document is not ‘a grant of parole,’ and CBP officers make ‘a separate discretionary decision regarding the parole request upon the foreign national’s arrival at the point of entry.’ Ex. 2, 19, 62-J .” |
| 41 | “Here, rather, the Secretary was constrained by congressional appropriations <i>See Ex. 62C; see also Texas DAPA</i> , 809 F.3d at 174.” | “Here, rather, the Secretary was constrained by congressional appropriations <i>See Ex. 62-B; see also Texas DAPA</i> , 809 F.3d at 174.” |
| 42 | “Agency officials have provided statements refuting any notion that they ‘rubber-stamp[]’ DACA applications, and explaining how they evaluate them on a case-by-case basis. <i>See, e.g.</i> , Ex. 27 at 24-26, 62T, 11 at 548 .” | “Agency officials have provided statements refuting any notion that they ‘rubber-stamp[]’ DACA applications, and explaining how they evaluate them on a case-by-case basis. <i>See, e.g.</i> , Ex. 27 at 24-26, 62-K, 11 ¶ 13 .” |
| 42 | “Indeed, they may deny applications that meet DACA criteria. Ex. 40 at 548 .” | “Indeed, they may deny applications that meet DACA criteria. Ex. 11 ¶ 15 .” |
| 50 | “Terminating DACA would discourage immigrants’ willingness to assist law enforcement with criminal investigations, <i>see Dkt. 224 at 15</i> , Ex. 3, and by ‘compound[ing] the harmful effects of employment and economic loss . . . could result in additional demands placed on our mental health and social welfare system[s].’ Dkt. 224 at 65, Ex. 4 at 18 .” | “Terminating DACA would discourage immigrants’ willingness to assist law enforcement with criminal investigations, <i>see Dkt. 224 at 15</i> , Ex. 3, and by ‘compound[ing] the harmful effects of employment and economic loss . . . could result in additional demands placed on our mental health and social welfare system[s].’ Dkt. 224 at 65, Ex. 4 at 31 .” |

Dated: June 18, 2019

Respectfully submitted,

**MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND**
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Attorneys for Defendant-Intervenors

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the 18th day of June, 2019, I electronically filed the above and foregoing document using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Nina Perales
Nina Perales

DEF-INTERV.
EX. 62-J

From: Nguyen, Van T <[REDACTED]@uscis.dhs.gov>
Sent: Wednesday, May 25, 2016 5:28 PM
To: Bronola, Christine <[REDACTED]@uscis.dhs.gov>; Curtis, Rana <[REDACTED]@uscis.dhs.gov>; Han, Myung H <[REDACTED]@uscis.dhs.gov>; Moselina, Nolasco M (Noli) <[REDACTED]@uscis.dhs.gov>; Nguyen, Khanh K (Connie) <[REDACTED]@uscis.dhs.gov>; Nguyen, Trinnie C <[REDACTED]@uscis.dhs.gov>; Pham, Vincent <[REDACTED]@uscis.dhs.gov>; Vu, Toan K <[REDACTED]@uscis.dhs.gov>
Subject: FW: Questions regarding advance parole for DACA Applicants

Information sharing...

Van Nguyen
949-389-3154
949-389-3435 (Fax)
Van.t.nguyen@uscis.dhs.gov

From: Gydesen, Justyn J
Sent: Monday, May 23, 2016 2:42:10 PM
To: Jacobson, Neil M; Hoti, Katie L; Johnson, Joel N
Cc: Jeffries, Lina T; Nguyen, Van T; Johnson, Joel N; DeBoer, Allan S; CSC BCU DACA Terminations; Lewis, Theodore R
Subject: RE: Questions regarding advance parole for DACA Applicants

A DACA requestor can file for advance parole as long as they have a valid grant and the travel is for educational, employment, or humanitarian purposes. If their current grant is close to expiring, we will not grant beyond the current expiration unless the DACA renewal is approved. If the requestor's removal proceedings have been admin closed, they shouldn't have any problems. However, as with any AP, the approval of the AP does not guarantee reentry.

If you have any specific questions, please let me know.

Justyn J. Gydesen
Section Chief – DACA/TPS/SIV
Nebraska Service Center
402-219-[REDACTED]

 Click to contact me on Lync

From: Jacobson, Neil M
Sent: Monday, May 23, 2016 1:21 PM
To: Hoti, Katie L; Johnson, Joel N
Cc: Jeffries, Lina T; Nguyen, Van T; Johnson, Joel N; Gydesen, Justyn J; DeBoer, Allan S; CSC BCU DACA Terminations; Lewis, Theodore R
Subject: RE: Questions regarding advance parole for DACA Applicants

Hi Ted,

I'm forwarding the inquiry to Katie Hoti and Joel Johnson for a response to Ms. Jeffries.

Katie is our NSC supervisor over the DACA Advance Paroles, and Joel is the Senior assigned to our DACA portfolio.

Thanks

Neil Jacobson
Associate Center Director
Humanitarian Affairs Division
Nebraska Service Center
402-219-[REDACTED]

From: Lewis, Theodore R **On Behalf Of** CSC BCU DACA Terminations

Sent: Monday, May 23, 2016 11:41 AM

To: DeBoer, Allan S; Jacobson, Neil M

Cc: Jeffries, Lina T; Nguyen, Van T

Subject: FW: Questions regarding advance parole for DACA Applicants

Sean or Neil,

Can you assist Lina with the below question regards I-131s?

Thanks Ted

From: McGuire, Regina A

Sent: Monday, May 23, 2016 6:55 AM

To: CSC BCU DACA Terminations; Van-Wagenen, Lowell F; Gapuz, Brian Y

Cc: Nguyen, Trinnie C; Kim, Kyong Y; Nguyen, Khanh K (Connie); Gomez Sanchez, Diana C; Curtis, Rana; Dunning, Pacentia M; Khoudaghoulian, Minas

Subject: RE: Questions regarding advance parole for DACA Applicants

Ted,

The I-131 Advanced Parole is not a work load that we process at the CSC. We have never had the training. Nebraska Service Center processes the I-131's. DACA would have to be approved before an I-131 is approved. I do know that there are very few approvals of advanced paroles. You could contact NSC to see what their procedure is or have Phoenix contact them. Neal Jacobson is a Supervisor there in DACA. I believe there is an exception for extreme emergent situations where an advance parole would be issued if a requestor's parent or child was in ICU or passed away where the service would grant an advanced parole even if the requestor was in removal proceedings. Since I have not been trained, we cannot provide the full answer for them.

Regina McGuire, ISO-3

SODA-3/ws24516/[REDACTED]

From: Lewis, Theodore R **On Behalf Of** CSC BCU DACA Terminations

Sent: Saturday, May 21, 2016 9:43 AM

To: Van-Wagenen, Lowell F; Gapuz, Brian Y; McGuire, Regina A

Cc: Nguyen, Trinnie C; Kim, Kyong Y; Nguyen, Khanh K (Connie); Gomez Sanchez, Diana C; Curtis, Rana; Dunning, Pacentia M; Khoudaghoulian, Minas

Subject: FW: Questions regarding advance parole for DACA Applicants

Importance: High

Seniors,

Can one of you answer the below question? I'm not familiar enough with the adjudication of Advance Parole as it pertains to DACA to adequately answer the below question. Can one of you respond and cc me so I can take it off my "to do" list?

Thanks,

Ted

From: Jeffries, Lina T
Sent: Wednesday, May 18, 2016 3:14 PM
To: CSC BCU DACA Terminations
Subject: Questions regarding advance parole for DACA Applicants

CSC,

Will CSC consider and grant an advance parole request for a DACA recipient who is in removal proceedings that have been administratively closed?

The below memo regarding parole indicates that advance parole will not be issued to persons in proceedings:

<https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2011/April/issuance-advance-parole.pdf>

However, the instructions on the advance parole indicate that DACA recipients can get advance parole even if they are in removal proceedings.

Can you assist. I have an inquiry from ICE OPLA.

Thanks!

Lina T. Jeffries Bueno

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